

[ORAL ARGUMENT SCHEDULED FOR MARCH 14, 2025]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MICHAEL MUIR,)
Petitioner,)
v.) No. 22-1318
UNITED STATES DEPARTMENT OF)
HOMELAND SECURITY; UNITED)
STATES TRANSPORTATION)
SECURITY ADMINISTRATION,)
Respondents.)

**PETITIONER'S MOTION FOR PERMISSION AND AN ALLOTMENT OF
TIME FOR PRO SE PETITIONER MICHAEL MUIR TO ADDRESS THE
COURT AT ORAL ARGUMENT**

Pursuant to Federal Rule of Appellate Procedure 27, Pro Se Petitioner Michael Muir (“Muir”) respectfully moves for permission and an allotment of time to address the honorable court at oral argument on March 14, 2025.

INTRODUCTION

Due to the subtle complexities and unique history and nature of this case, Muir respectfully requests four minutes of time at oral argument to address the court regarding fundamental aspects of the case not addressed by Amicus and to answer any questions the court may have for Muir with regard to prudential exhaustion and his previous efforts to obtain administrative resolution.

On April 18, 2008, Ninth Circuit Chief Judge Kozinski asked Respondents' counsel and Muir's friend across the aisle, Mr. Waldman, two Talmudic questions. Chief Judge Kozinski asked, "If not here, where?" and "If not now, when?" For Petitioner Muir, this court of appeals is the place and March 14, 2025 is the time. Muir would also add, again from the Talmud, "If I am not for myself, who is for me?" In this case, Muir thanks the special panel for appointing Mr. Weaver as Amicus.

ARGUMENT

The court should grant Muir's instant motion for two reasons. First, Muir's briefs touch on important, systemic issues not addressed by Amicus' briefs and Muir is prepared to give a focused and concise statement on the advanced technology and computer science aspects of the case. Second, Muir is uniquely and solely positioned to answer the court's questions regarding prudential exhaustion and his previous attempts over the last five years to obtain resolution in this case.

Therefore, because Muir's complete argument rests on facts and circumstances that have not been briefed by Amicus, and because Respondents raised prudential exhaustion without explaining to the court Muir's extensive administrative resolution efforts, this court should grant Muir's request for the allotment of four minutes of time during oral argument on March 14, 2025 to address Circuit Judges Pillard and Childs and Senior Circuit Judge Randolph.

CONCLUSION

For the foregoing reasons, Muir respectfully requests that this Court grant his motion for permission to address the court for four minutes at oral argument.

Dated: March 7, 2025

By: MICHAEL MUIR, *PRO SE*

/s/ Michael Muir

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*Because pro se Petitioner does not have e-filing credentials and there is likely insufficient time for the Court to consider this motion prior to the March 14 oral argument date if Petitioner were to file a hard copy by U.S. mail, and in consultation with the Clerk's Office, Amicus is e-filing this motion on behalf of Petitioner.

Dated: March 7, 2025

/s/ William R. Weaver

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion satisfies the type-volume limitation in Rule 27(d)(2)(A) because it contains 372 words, and complies with the typeface and type-style requirements of Rule 32(a)(5),(a)(6) because it was prepared using Microsoft Word 2010 in proportionally spaced Times New Roman 14-point font.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to D.C. Cir. Rule 27(a)(4), Petitioner hereby certifies as follows:

A) Parties and Amici: The parties in this case are Petitioner Michael Muir and Respondents United States Department of Homeland Security (“DHS”) and United States Transportation Security Administration (“TSA”). The Intervenors in this case are L3Harris Technologies, Inc. and Leidos, Inc., and the Court has appointed William R. Weaver, Jenner & Block LLP, 1099 New York Avenue, NW, Suite 900, Washington, DC 20001, as *amicus curiae*.

B) Rulings Under Review: Final promulgation of 49 C.F.R. § 1540.107(d), a DHS/TSA order issued March 3, 2016 (81 FR 11364).

C) Related Cases: There are no related cases in any other United States court of appeals or any other court in the District of Columbia.

Dated: March 7, 2025

/s/William R. Weaver
William R. Weaver